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19/19

File No. Tenancy II/49 (N)

Legal Deptt.

B **BRANCH**

Subject:— Notifications issued under Bombay Tenancy and Agricultural Lands Act.

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File No. Tenancy II/49 (N)

Gen. 104

419-B.

Legal Department.

The proposal of the Collector of Ahmedabad as endorsed by the Revenue Department that the villages lying within two miles of the limits of the Ahmedabad Municipal Borough, which are exempted under clause (c) of sub-section (1) of section 88 of the Bombay Tenancy and Agricultural Lands Act, 1948, should be declared not to be exempt under sub-section (2) thereof is not legally feasible. Under the said sub-section (2) any particular land or class of lands but not the whole of the area within the two miles distance of the limits of the said Borough can be exempted. The words "class of land" would not include all lands to which total exemption has been granted under sec.88(1)(c). It will be necessary to specify a class of lands within that area.

Sd/-J.R.D. 4/5
Additional Secretary to Government.

U.R. to R.D.No. 4890 ,dated the 4th May 1949.

BKS. 7/6/ 4c.

Legal Department.

A revised draft notification is sent herewith.

Sd/-J.R.D. 21/5
Additional Secretary to
Government.

U.R. to R.D.,No. 5755 , dated the 23rd May 1949.

BKS. 7/6/ 4c.

NOTIFICATION.

Revenue Department,

Bombay Castle, May 1948.

Bombay Tenancy and Agricultural Lands Act, 1948.

No. .-In exercise of the powers conferred by sub-section (2) of section 6 of the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom. LXVII of 1948), read with Government Order, Revenue Department No. 6816/45-F(a), dated the 28th December 1948, the Government of Bombay is pleased to fix, in the case of an irrigated land, one sixth and in the case of any other land, one fifth of the crops of such land or its value as determined in the prescribed manner, as the maximum rent payable by the tenants of lands situate in the areas specified in the Schedule appended hereto .-

SCHEDULE

1. The Umbergaon Taluka of Thana District.
2. The Dahanu Taluka ofThana District.
3. The Shahapur Taluka of Thana District.
4. The Mokhada Peta of Thana District.
5. The Jawhar State.

By order of the Governor of Bombay,

Secretary to Government.

BKS. 7/6/ 4c.

Legal Department.

A revised draft notification is sent herewith.

Sd/- J.R.D. 21/6
Additional Secretary to Government.

U.R. to R.D.No. 6874 dated the 22nd June 1949.

BKS. 7/6/ 5c.

NOTIFICATION.

Revenue Department.

Bombay Castle, March 1949.

Bombay Tenancy And Agricultural Lands Act, 1948

No. 828/49. In exercise of the powers conferred by sub-section (2) of section 88 of the Bombay Tenancy and Agricultural Lands Act, 1948 (Bom.LXVII of 1948), the Government of Bombay is pleased to direct that notwithstanding anything contained in sub-clause (a) of sub-section (1) of section 88 of the said Act, lands held on lease from the Crown but sublet by lessees shall not be exempt from any of the provisions of the ~~xx~~ said Act.

By order of the Governor of Bombay,

Secretary to Government.

BKS. 7/6/ 4c.

O R D E R.

No. .-/ For the purposes of rule 3 of the Bombay Tenancy and Agricultural Lands Rules, 1949, the total yield per acre of the class of lands specified in column 2 of the Schedule appended hereto, situate in the village specified n column 1 thereof shall be as specified against t in column 3 thereof.

Schedule.

Village	Class of land.	Total yield per acre.
1	2	3

.....July 1949.

Sd/-

Mamlatdar of .....

BKS. 7/6/ 40.

Legal Department.

Though under rule 3 of the Bombay Tenancy and Agricultural lands Rules 1949, no statutory obligation is imposed upon a Mamlatdar to notify the total yield, there is no legal objection if the quantity of such yield in respect of a class of lands in any local area is published in the Gazette or in some other manner thought suitable.

2. A revised draft order is sent herewith.

Sd/-J.R.D. 18/7
Additional Secretary to Government.

J.R. to R.D.No. 8111, dated the 19th July 1949.

DKS. 7/6./4.

Legal Department.

As the areas have merged into the Province, the Revenue Department may be requested to consider whether it is now necessary to issue the proposed notification. As the Bombay Land Revenue Code, 1879, is in force in all these areas, officers who are Mamlatdars and Mahalkaris need not be authorised under section 2(10) of the Bombay Tenancy and Agricultural Lands Act,1948. It is necessary to authorise under that section 2(10) only those officers who are not Mamlatdars or Mahalkaris and who, it is intended, should perform the duties of a Mamlatdar under the Act. The Karbharis, referred to in the proposed notification, may have been now ~~xxpx~~ replaced by some other officers or their designations may have been changed. This may be verified by the Department.

Id/-J.R.D. 11/8
Additional Secretary to Government.

U.R. to R.D. No. 9114 ,dated the 12th August 1949.

KS. 8/6/ 49.

Legal Department.

Section 44 of the Bombay Tenancy and Agricultural Lands Act, 1948, empowers the Provincial Government to assume management of any landholder's estate in the circumstances specified therein. The Estate Investment Company Ltd., Bombay, are stated to hold land on lease from the Crown. The question is whether the company is a landholder within the meaning of section 2(9) of the Act. That clause defines who is a landholder and generally states that " any person not hereinbefore specified who is a holder of land or who is interested in land and whom the Provincial Government has declared on account of the extent and value of the land or his interest therein to be a landholder is a landholder for the purposes of the Act. It is, therefore, necessary first to issue a notification under section 2(9) of the said Act declaring the Estate Investment Company Ltd. to be a landholder for the purposes of the Act. A requisite draft of two notifications for the purpose is sent herewith.

Id/-J.R D. 6/12
Additional Secretary to Government.

U.R. to R.D. No. 14223 dated the 8th December 1949.

BKS. 8/6/ 4c.

Legal Department.

It is stated that the superintendence of the Court of Wards is to be withdrawn under section 40(2) of the Bombay Court of Wards Act, 1905. The question will then arise whether a Mehwassi Chief is a landholder within the meaning of section 2(9) of the Bombay Tenancy and Agricultural Lands Act, 1948. As a Mehwassi Chief cannot be considered a Zamindar, Jagirdar, Saranjamdar, Inamdar, Talukdar, Malek or Khot, it is necessary to declare him to be a landholder as required by the said clause.

2. Two revised draft notifications are sent herewith. They should be issued along with the Order proposed to be issued under section 40(2) of the Bombay Court of Wards Act, 1905.

Id/- J.R.D. 12/1
Additional Secretary to Government

U.R. to R.D.No. 558 ,dated the 13th January 1950.

BKS. 6/6/ 4c.